



SANDRA SHEWRY
Director

State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

June 5, 2007

Dear Interested Party,

Notice to Prospective Proposers

Prospective Proposers are invited to review and respond to this Request for Proposal (RFP) Number 07-65484 entitled, "MMIS Scope of Work Development". In submitting a proposal, compliance with the instructions found herein is imperative.

All agreements entered into with the State of California will include, by reference, General Terms and Conditions and Contractor Certification Clauses that may be viewed and downloaded at the following Internet site:

<http://www.ols.dgs.ca.gov/Standard+Language/default.htm>. If any prospective Proposer lacks Internet access, a hard copy can be obtained by contacting the Office of Medi-Cal Procurement, Michele DeGuzman at (916) 552-8006.

If a discrepancy occurs between the information in the advertisement appearing in the California State Contracts Register and the information herein, the information in this notice and in the RFP shall take precedence.

I. Proposal Submission Deadline

Regardless of postmark or method of delivery, the California Department of Health Services' (CDHS) Office of Medi-Cal Procurement must receive proposal packages no later than **4:00 p.m. on July 10, 2007**. Refer to the attached RFP for detailed submission requirements.

II. Disabled Veteran Business Enterprise (DVBE) Participation Requirements

California Law requires Disabled Veteran Business Enterprise (DVBE) participation and/or performance of a good faith effort (GFE) to meet these requirements. CDHS policies require DVBE participation on all contracts exceeding \$10,000. Prospective Proposers may need four weeks or more to

complete this process; therefore it is advisable to begin this process promptly. Out-of-state firms must comply with California's DVBE participation requirements.

III. Proposer Questions

In the opinion of the CDHS, this RFP is complete and without need of explanation. However, if questions arise or there is a need to obtain clarifying information, put all inquiries in writing and mail or fax them to CDHS according to the instructions in the RFP section entitled, "Proposer Questions".

Thank you for your interest in CDHS' service needs.

Sincerely,

Original signed by *Donna Martinez*

Donna Martinez, Chief
Office of Medi-Cal Procurement

Attachments



Request for Proposal 07-65484

MMIS Scope of Work Development

California Department of Health Services
Office of Medi-Cal Procurement
MS Code MS 4200
1501 Capitol Avenue, Suite 71.3041
P. O. Box 997413
Sacramento, CA 95899-7413]

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Attachment #	Attachment Name
Attachment 1	Proposal Cover Page
Attachment 2	Required Attachment / Certification Checklist
Attachment 3	Business Information Sheet
Attachment 4	Client References
Attachment 5	RFP Clause Certification
Attachment 6	CCC 307 - Certification
Attachment 7	Payee Data Record
Attachment 8	Follow-on Consultant Contract Disclosure
Attachment 9	DVBE Instructions / Forms with Attachment 9a, Actual DVBE Participation and Attachment 9b, Good Faith Effort

Attachment #	Attachment Name
Attachment 10	Non-Small Business Subcontractor Preference Instructions with Non-Small Business Subcontractor Preference Request (Attachment 10a) and Small Business Subcontractor/Supplier Acknowledgment (Attachment 10b). Use the forms included with the RFP forms.
Attachment 11	Cost Proposal Form

S. Sample Contract Forms / Exhibits

Exhibit #	Exhibit Name
Exhibit A1	Standard Agreement
Exhibit A	Scope of Work
Exhibit B	Budget Detail and Payment Provisions
Exhibit C – View on-line.	General Terms and Conditions (GTC307). View or download at this Internet site:
Exhibit D(F)	Special Terms and Conditions
Exhibit E	Additional Provisions
Exhibit F	Contractor's Release
Exhibit G	HIPAA Business Associate Addendum

T. Program Appendices

Appendix #	Appendix Name
Appendix 1	Map with driving and parking instructions.

Effective July 1, 2007, the California Department of Health Services (CDHS) will reorganize and the California Medicaid program will become the Department of Health Care Services (DHCS). All references to CDHS after July 1, 2007, will be changed to DHCS to reflect the name change.

A. Purpose, Background and Description of Services

1. Purpose

The California Department of Health Services (CDHS), Payment Systems Division (PSD) is soliciting proposals from firms that are able to assist CDHS in the reprourement for a fiscal agent and the development of the Scope of Work for the next Medicaid Management Information System (MMIS). Proposals must address all of the services described in Exhibit "A" entitled, "Scope of Work".

The CDHS intends to make a single contract award to the most responsive and responsible firm earning the highest score. This procurement is open to all eligible firms and/or individuals that meet the qualification requirements, including commercial businesses,

nonprofit organizations, State or public universities (including auxiliary organizations) and other entities.

The consultants assigned to this project will play a major role in assisting the CDHS with many different tasks related to the procurement process and they must have the skills and experience that meets the qualifications described within the Qualification Requirement section of the Request for Proposal ("RFP"). The major goal of the subsequent procurement project is to provide the latest advancements and innovations to replace the claims processing and reporting systems of the California Medicaid Program to meet new state and federal requirements.

Based on experience, consultants will provide advice on Fiscal Agent procurement strategies on how to structure the allowable costs for a procurement of this type to assure competition as well as reasonable and cost effective pricing. Past experience should include expert advice and recommendations for cost effective pricing that structures incentives for the contractor to take action to reduce future costs to CDHS. This also includes expert advice on methodologies to assure a "level playing field" can be achieved for bidding as it relates to prospective Proposers competing against the current incumbent.

Based on experience, consultants will provide advice and/or develop a SOW that allows for design, development and successful implementation of a new California MMIS. This will include the development of SOW requirements as they relate to timeline requirements, project management/status reporting and correction/problem resolution processes.

2. Background

Currently a Fiscal Intermediary operates California's Medicaid Management Information System (MMIS) and other systems in support of California's Medicaid program known as Medi-Cal.

The existing MMIS system provides timely and accurate adjudication of claims, data storage, data retrieval and reporting capabilities of all provider claims for state and federally funded programs that pay for medical services to families with children, individuals who are pregnant, and elderly or disabled individuals who meet certain eligibility criteria. Specific responsibilities of the existing contract include maintenance of a thirty-plus-year-old system that meets the current needs of CDHS. However, the technology of the current system does not lend itself for timely modification of ever changing State and federal laws. In addition the current system technology does not lend itself to integration of new technologies that are more adapted to handling frequent changes. The existing legacy MMIS is very difficult and costly to maintain.

B. Time Schedule

Below is the tentative time schedule for this procurement.

Event	Date	Time (If applicable)
RFP Released	06/05/2007	
Proposal Due Date	07/10/2007	4:00 p.m.
Notice of Intent to Award Posted	07/24/2007	12:00 p.m.

Event	Date	Time (If applicable)
Protest Deadline	07/31/2007	12:00 p.m.
Contract Award Date	07/31/2007	
Proposed Start Date of Agreement	09/01/2007	

C. Contract Term

The term of the resulting agreement is expected to be 18 months and is anticipated to be effective from September 1, 2008 through January 31, 2009. The agreement term may change if CDHS makes an award earlier than expected or if CDHS cannot execute the agreement in a timely manner due to unforeseen delays. CDHS reserves the right to extend the term of the resulting agreement via an amendment as necessary to complete or continue the services. Contract extensions are subject to satisfactory performance, funding availability, and possibly approval by the Department of General Services.

The resulting contract will be of no force or effect until it is signed by both parties and approved by the Department of General Services, if required. The Contractor is hereby advised not to commence performance until all approvals have been obtained. Should performance commence before all approvals are obtained, said services may be considered to have been volunteered.

D. Proposer Questions

Immediately notify CDHS if clarification is needed regarding the services sought or questions arise about the RFP and/or its accompanying materials, instructions, or requirements. Put the inquiry in writing and transmit it to CDHS as instructed below. At its discretion, CDHS reserves the right to contact an inquirer to seek clarification of any inquiry received.

Proposers that fail to report a known or suspected problem with the RFP and/or its accompanying materials or fail to seek clarification and/or correction of the RFP and/or its accompanying materials shall submit a proposal at their own risk. In addition, if awarded the contract, the successful Proposer shall not be entitled to additional compensation for any additional work caused by such problem, including any ambiguity, conflict, discrepancy, omission, or error.

Due to the expedited nature of this procurement there will be no formal question and answer process or submission deadline. However if a prospective Proposer reports a suspected or known problem or identifies language in the RFP that needs further clarification, CDHS through its administrative bulletin process will email, or fax the summary and responses to all agencies who received this RFP.

If an inquiry appears to be unique to a single firm or is marked "Confidential", CDHS will mail, email, or fax a response only to the inquirer if CDHS concurs with the Proposer's claim that the inquiry is sensitive or proprietary in nature. If CDHS does not concur, the inquiry will be answered in the manner described herein and the Proposer will be notified. Inquiries and/or responses that CDHS agrees should be held in confidence shall be held in confidence only until the Notice of Intent to Award is posted.

To the extent practical, inquiries shall remain as submitted. However, CDHS may consolidate and/or paraphrase similar or related inquiries.

1. What to Include in an Inquiry

- a. Inquirer's name, name of firm submitting the inquiry, mailing address, email address, area code and telephone number, and fax number.
- b. A description of the subject or issue in question or discrepancy found.
- c. RFP section, page number or other information useful in identifying the specific problem or issue in question.
- d. Remedy sought, if any.

A prospective Proposer that desires clarification about specific RFP requirements and/or whose inquiry relates to sensitive issues or proprietary aspects of a proposal may submit individual inquiries that are marked "Confidential". The Inquirer must include with its inquiry an explanation as to why it believes questions marked "Confidential" are sensitive or surround a proprietary issue.

2. Question Deadline

Regardless of there not being a question submission deadline, CDHS will accept questions or inquiries about the following issues if such inquiries are received prior to the proposal submission deadline.

- a. DVBE participation requirements and how to complete the DVBE attachments,
- b. The reporting of RFP errors or irregularities.

3. How to Submit Questions

Submit inquiries using one of the following methods.

U.S. Mail,	Hand Delivery or Overnight Express:
Questions re: RFP 07-65484 MMIS SOW Michele DeGuzman California Department of Health Services Office of Medi-Cal Procurement MS 4200 1501 Capitol Ave Suite 71.3041 P.O. Box 997413 Sacramento, CA 95899-7413	Questions re: RFP 07-65484 MMIS SOW Michele DeGuzman California Department of Health Services Office of Medi-Cal Procurement MS4200 1501 Capitol Ave Suite 71.3041 Sacramento, CA 95814
Fax:	
Questions re: RFP 07-65484 MMIS SOW Michele DeGuzman California Department of Health Services Office of Medi-Cal Procurement Fax: (916) 440-7369	
Email: OMCPRFP5@CDHS.ca.gov	

Proposers submitting inquiries by fax are responsible for confirming the receipt of all faxed materials.

Call Michele DeGuzman at (916) 552-8006 to confirm faxed transmissions.

4. Proposer Warning

- a. CDHS' internal processing of U.S. mail may add 48 hours or more to the delivery time. If questions are mailed, consider using certified or registered mail and request a receipt upon delivery.
- b. For hand deliveries, allow sufficient time to locate on street metered parking and to sign-in at the security desk. Ask security personnel to call Michele DeGuzman at 916-552-8006 to arrange for question pickup and receipt issuance by program staff.
- c. Courier service personnel must sign-in at the security station. Ask security personnel to call Michele DeGuzman at (916) 552-8006 to collect the question envelope and to issue a receipt.

For driving and parking instructions, please review Appendix 1.

5. Verbal Questions

Verbal inquiries are discouraged. CDHS reserves the right not to accept or respond to verbal inquiries. **Spontaneous verbal remarks provided in response to verbal inquiries are unofficial and are not binding on CDHS unless later confirmed in writing.**

No inference should be drawn from any questions to which CDHS does not respond in writing.

Direct all verbal requests for DVBE assistance to CDHS' DVBE Coordinator at (916) 650-0205 up to the proposal deadline

E. Data Library

A Data Library will not be used for this procurement.

F. Pre-Proposal Conference

CDHS will not hold a Pre-Proposal Conference for this procurement.

G. Reasonable Accommodations

For individuals with disabilities, the Department will provide assistive services such as reading or writing assistance, and conversion of the Request for Proposal, questions/answers, RFP Addenda, or other Administrative Notices into Braille, large print, audiocassette, or computer disk. To request copies of written materials in an alternate format, please call the number below to arrange for reasonable accommodations.

Michele DeGuzman
California Department of Health Services
Office of Medi-Cal Procurement
(916) 552-8006
(TTY) California Relay telephone number 711 - 1-800-735-2929

NOTE: The range of assistive services available may be limited if requestors cannot allow ten or more State working days prior to date the alternate format material is needed.

H. Scope of Work

See Exhibit A entitled, "Scope of Work" that is included in the Sample Contract Forms and Exhibits section of this RFP. Exhibit A contains a detailed description of the services and work to be performed as a result of this procurement.

I. Qualification Requirements

Failure to meet the following requirements by the proposal submission deadline will be grounds for CDHS to deem a proposer nonresponsive. Evaluators may choose not to thoroughly review or score proposals that fail to meet these requirements. In submitting a proposal, each Proposer must certify and prove that it possesses the following qualification requirements.

1. At least one engagement of experience as described in section J., 3., d. Agency Capability Section, 2). All experience must have occurred within the past five years. It is possible to attain the experience types listed during the same time period.
2. Proposers must certify they have read and are willing to comply with all proposed terms conditions addressed in the RFP section entitled, "Contract Terms and Conditions", including the terms appearing in the referenced contract exhibits.
3. **[Corporations]** Corporations must certify they are in good standing and qualified to conduct business in California.
4. **[Nonprofit Organizations]** Non-profit organizations must certify their eligibility to claim nonprofit status.
5. Proposers must have a past record of sound business integrity and a history of being responsive to past contractual obligations.
6. Proposers must be certify they are financially stable and solvent and have adequate cash reserves to meet all financial obligations while awaiting reimbursement from the State.
7. Proposers must certify their proposal response is not in violation of Public Contract Code (PCC) Section 10365.5 and, if applicable, must identify previous consultant services contracts that are related in any manner to the services, goods, or supplies being acquired in this solicitation. Detailed requirements are outlined in **Attachment 8**.

PCC Section 10365.5 generally prohibits a person, firm, or subsidiary thereof that has been awarded a consulting services contract from submitting a bid for and/or being awarded an agreement for, the provision of services, procurement of goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate in the end product of a consulting services contract.

PCC Section 10365.5 does not apply to any person, firm, or subsidiary thereof that is awarded a subcontract of a consulting services agreement that totals no more than 10 percent of the total monetary value of the consulting services agreement. Consultants and employees of a firm that provides consulting advice under an original consulting contract are not prohibited from providing services as employees of another firm on a follow-on contract, unless the persons are named contracting parties or named parties in a subcontract of the original contract.

PCC Section 10365.5 does not distinguish between intentional, negligent, and/or inadvertent violations. A violation could result in disqualification from bidding, a void contract, and/or imposition of criminal penalties.

8. Proposers must either achieve actual Disabled Veteran Business Enterprise (DVBE) participation or make an adequate Good Faith Effort (GFE) to meet the DVBE participation requirements. Detailed requirements are outlined in **Attachment 9** (DVBE Instructions/Forms). This requirement applies if the total cost or price offered equals \$10,000 or more.
9. The winning Proposer must supply, before contract execution, proof of liability insurance that meets the requirements of Provision 10 of Exhibit E entitled, Additional Provisions.
10. Proposers must certify and submit proof that no prohibited conflict of interest exists as instructed on **Attachment 12**, Conflict of Interest Compliance Certificate.

J. Proposal Format and Content Requirements

1. General Instructions

- a. Each firm or individual may submit only one proposal.

For the purposes of this paragraph, “firm” includes a parent corporation of a firm and any other subsidiary of that parent corporation. If a firm or individual submits more than one proposal, CDHS will reject all proposals submitted by that firm or individual.

A firm or individual proposing to act as a prime contractor may be named as a subcontractor in another Proposer’s proposal. Similarly, more than one Proposer may use the same subcontractors and/or independent consultants.

- b. Develop proposals by following all RFP instructions and/or clarifications issued by CDHS in the form of question and answer notices, clarification notices, Administrative Bulletins or RFP addenda.
- c. Before submitting a proposal, seek timely written clarification of any requirements or instructions that are believed to be vague, unclear or that are not fully understood.
- d. In preparing a proposal response, all narrative portions should be straightforward, detailed and precise. CDHS will determine the responsiveness of a proposal by its quality, not its volume, packaging or colored displays.
- e. Arrange for the timely delivery of the proposal package(s) to the address specified in this RFP. Do not wait until shortly before the deadline to submit the proposal.

2. Format Requirements

- a. Assemble the narrative proposal and cost proposal as follows:

- 1) Assembly of the Narrative Proposal

- a) Submit one (1) original proposal and five (5) copies or sets and one (1) CD-ROM of the proposal in any CDHS standard platform (i.e., Word, Excel, or PDF formats). The CD-ROM must be identical to, and contain everything included in, the proposal hard copy.

- b) Write “**Original**” on the original proposal set.
 - c) Each proposal set must be complete with a copy of all required attachments and documentation.
 - d) Proposals shall be submitted in full, bound sets under sealed cover, e.g., proposal set 1 shall be packaged as a complete set rather than having all five copies of binder 1 packaged together.
 - e) Each box must be identified as follows:
 - f) NARRATIVE PROPOSAL FOR THE
MMIS Scope of Work Development
RFP #07-65484
Original Set (or Set 1 of 5, Set 2 of 5, etc.)
Box 1 of X (number of boxes needed for each set), etc.
 - g) Format the narrative portions of the proposal as follows:
 - I. Use one-inch margins at the top, bottom, and both sides.
 - II. Use a font size of not less than 11 points.
 - III. Print pages single-sided on white bond paper.
 - IV. Sequentially paginate the pages in each section. It is not necessary to paginate items in the Forms Section or Appendix Section.
 - V. Bind each proposal set in a way that enables easy page removal. Loose leaf or three-ring binders are acceptable.
 - VI. All RFP attachments that require a signature must be signed in ink, preferably in a color other than black.
 - VII. Have a person who is authorized to bind the proposing firm sign each RFP attachment that requires a signature. Signature stamps are not acceptable.
 - VIII. Place the originally signed attachments in the proposal set marked “Original”.
 - IX. The RFP attachments and other documentation placed in the extra proposal sets may reflect photocopied signatures.
 - X. Do not mark any portion of the proposal response, any RFP attachment, or other item of required documentation as “Confidential” or “Proprietary”. CDHS will disregard any language purporting to render all or portions of a proposal confidential.
- 2) Assembly of the Cost Proposal (note: the Cost Proposal is submitted as a separate sealed package):**
- a) Submit one (1) original proposal and five (5) copies or sets and one (1) CD-ROM of the cost proposal in any CDHS standard platform (i.e., Word, Excel, or PDF formats). The CD-ROM must be identical to, and contain everything included in, the proposal hard copy.

- b) Write “**Original**” on the original cost proposal set.

3. Content Requirements

This section specifies the order and content of each proposal. Assemble the materials in each proposal set in the following order:

a. Proposal Cover Page

A person authorized to bind the Proposer must sign the Proposal Cover Page (**Attachment 1**). If the Proposer is a corporation, a person authorized by the Board of Directors to sign on behalf of the Board must sign the Proposal Cover Page.

b. Table of Contents

Properly identify each section and the contents therein. Paginate all items in each section with the exception of those items placed in the Forms Section and Appendix Section.

c. Executive Summary Section

This section must not exceed three (3) pages in length. Evaluators may not review or evaluate excess pages.

In preparing the Executive Summary, do not simply restate or paraphrase information in this RFP. Describe or demonstrate, in the Proposer’s own words, the following information.

- 1) An understanding of CDHS’ needs and the importance of this project.
- 2) The tangible results that are expected to be achieved.
- 3) A sincere commitment to perform the scope of work in an efficient and timely manner.
- 4) How this project will be effectively integrated into the proposing firm’s current obligations and existing workload.
- 5) Why the proposing firm should be chosen to undertake this work at this time.

d. Agency Capability Section

- 1) Include a brief history of the proposing firm, including:
 - a) Date of establishment. If applicable, explain any changes in business history or organizational structure that will assist CDHS in determining the qualifications of the proposing firm.
 - b) A description of the proposing firm’s goals that are relevant, closely related, or will complement this project.
 - c) Proposers must list all previous relationships with Medicaid programs for whom consulting services were provided on FI and MMIS programs in the last five years.

- 2) Describe experience that qualifies the proposing firm to undertake this project. At a minimum, demonstrate the proposing firm possesses at least one engagement of experience of the types listed in this section. All experience must have occurred within the past five years. It is possible to attain the experience types listed below during the same time period with various engagements. Proposers must have experience in providing:
 - a) A SOW that is for the purpose of acquiring a new fiscal agent and a new MMIS. Proposers must demonstrate prior experience that includes providing SOW language that assures the latest advancements and innovations to modify the existing claims processing and reporting systems of the MMIS that meet new state and federal requirements.
 - b) An independent analysis and review of the existing State processes of the MMIS operation and system functionality.
 - c) Advice on how to structure the allowable costs for a contract of this type to assure reasonable and cost effective pricing. Include experience in:
 - i. Making recommendations on how to structure incentives for the contractor to take action to reduce the future costs.
 - ii. Making recommendations on how to structure the implementation and ongoing costs to and hourly rates for future enhancements.
 - iii. Making recommendations regarding the specific performance criteria and penalties and damage clauses that other states have found useful in maintaining a high level of performance of the fiscal agent contractor.
 - d) Evaluation guidelines and criteria used in the evaluation of proposals.
 - e) Reports identifying potential risks based on the experience and knowledge regarding other States implementation of a new MMIS.
 - f) An acceptance testing, parallel testing, review process and implementation schedule which documents the deficiencies of the operation and included a process to provide clarification of the project and resolution of issues to obtain final approval for implementation.
 - g) The preparation and monitoring of timelines and deadlines to document the progress and status of the project.
- 3) Briefly, describe the accounts or work projects begun and/or completed in the past three years that involved services similar in nature or closely related to the Scope of Work in this RFP. For each account or project listed, include the following information:
 - a) Name of agency and contact name from the firm for whom services were performed,
 - b) Duration or length of the project,
 - c) Total cost or value of the project,
 - d) Indicate if the account or project is "active/open" or "closed/settled",
 - e) Describe briefly the type and nature of the services performed.
- 4) Briefly describe any experience that demonstrates the proposing firm's ability to establish and maintain effective working relationships with government entities, local community based organizations, and private nonprofit organizations.

- 5) Identify three client references serviced within the past five years that can confirm their satisfaction with the Proposer's services and confirm that the Proposer provided timely and effective services or deliverables. Use the Client References (**Attachment 4**) for this purpose. **Place the completed Client References form in the Forms Section of the proposal.**

e. Work Plan Section

1) Overview

- a) CDHS is interested in proposals that provide well-organized, comprehensive, and technically sound business approaches. Vague explanations will undermine the proposing firm's credibility and will result in reduced proposal scores.
- b) The Work Plan must include an in-depth discussion and description of the methods, approaches, and step-by-step actions that will be carried out to fulfill all Scope of Work requirements.
- c) If the nature of a task or function hinders specific delineation of in-depth methods and procedures (e.g., a task is dependent upon a future action or multiple approaches may be used), explain the probable methods, approaches, or procedures that will be used to accomplish the task or function. Also, describe, in this instance, how the proposing firm will propose the ultimate strategies and detailed plans to CDHS for full consideration and approval before proceeding to carry out the project.

2) Rejection of Tasks, Activities or Functions

- a) If full funding does not become available, is reduced, or CDHS determines that it does not need all of the services described in this RFP; CDHS reserves the right to offer an amended contract for reduced services.

3) Work Plan Content

- a) Briefly, explain or describe the overall approach and/or methods that will be used to accomplish the scope of work.
- b) Explain why the particular approaches and methods that are proposed were chosen (e.g., proven success or past effectiveness, etc.).
- c) If applicable, explain what is unique, creative, or innovative about the proposed approaches and/or methods.
- d) If any major complications or delays are envisioned at any stage of performance, describe those complications or delays and include a proposed strategy for overcoming those issues. Likewise, indicate if no major complications or delays are anticipated.
- e) If, for any reason, the Work Plan does not wholly address each Scope of Work (SOW) requirement, fully explain each omission. Likewise, indicate if the Work Plan contains no omissions.
- f) Indicate the assumptions made in developing the Work Plan in response to CDHS' Scope of Work. For each assumption listed, explain the reasoning or

rationale that led to each assumption. Likewise, indicate if no assumptions were made.

- g) If applicable, identify any additional Contractor and/or State responsibilities that were included in the Work Plan that are believed to be necessary to ensure successful performance, but were omitted from CDHS' Scope of Work. Likewise, indicate if no additional Contractor and/or State responsibilities, outside of those identified in CDHS' SOW were included in the Work Plan.

- h) Identify the specific tasks/activities and functions that will be performed in the order they are likely to occur. Include the following in-depth information for each task/activity or function in the work plan:

- i. Indicate who will have primary responsibility for performing each major task/activity or function. If known, identify the name and position title of all key personnel, subcontractors, and/or consultants that will perform the work.

If the responsible party is unknown or not yet identified, identify a staff position title or project name/title and indicate "TBD" which is the abbreviation for "to be determined".

- ii. Include a performance time line for each major task/activity or function. Indicate the approximate beginning and ending month and year. If a task/activity or function will only occur in one fiscal period or year, indicate the beginning and ending month and year.

If desirable, in addition to start and end dates, Proposers may use other terms such as start-up, on-going, continuous, take-over, turn-over, etc. to describe the performance time line. In doing so, Proposers must define the meaning of each unique term that is used.

- iii. Explain/describe how the Proposer intends to measure or prove successful completion of each major task, function, or activity.

If applicable, identify the key events or outcomes that will signify completion or identify tangible items (deliverables) that will result at the conclusion of the various tasks/activities or functions.

f. Management Plan Section

- 1) Describe how the proposing firm will effectively coordinate, manage, and monitor the efforts of the assigned staff, including subcontractors and/or consultants, if any, to ensure that all tasks, activities, and functions are completed effectively and in a timely manner.
- 2) Describe the fiscal accounting processes and budgetary controls that will be employed to ensure the responsible use and management of contract funds and accurate invoicing. Include at a minimum, a brief description of all of the following:
 - a) How the costs incurred under this project will be appropriately accounted for and only applicable project expenses will be billed to CDHS (e.g., use of unique account/project codes, etc.).

- b) The proposing firm's fiscal reporting and monitoring capabilities (e.g., spread sheets, automated fiscal reports, quality controls, checks and balances, etc.) to ensure contract funds are managed responsibly.
 - c) Proposed billing or invoicing frequency (not more frequently than once per month). Electronic billing is not possible.
 - d) Identify the documentation that will be retained on file or submitted to CDHS upon request to prove, support, and/or substantiate the expenses that are invoiced to CDHS.
- 3) Include an organization chart. Instructions are explained in the Appendix Section. **Place the organization chart in the Appendix Section of the proposal.**
- 4) Include financial statements. Instructions are explained in the Appendix Section. **Place the financial statement in the Appendix Section of the proposal.** Identify the resources and reserves maintained and the policies and procedures in place that will ensure adequate funding is available to sustain operations in the event that payment for contracted services is delayed. Due to the State Budget process, payments for services performed after June 30 of any given year may be delayed until after the State budget Bill is signed.
- g. Project Personnel Section

- 1) In this section, describe the proposed staffing plan.

In the staffing plan, include at a minimum:

- a) Position titles for all proposed employees (persons on the proposing firm's payroll).
- b) Number of personnel in each position.
- c) By position, indicate the full time equivalent (FTE) or percentage of staff time devoted to this project (e.g., full time = 1.0, 1/2 time = .50, 3/4 time = .75, 1/4 time = .25, projected number of hours, if hourly, etc.).
- d) Include a job description or duty statement for each position title or classification that will perform work under this project. The job descriptions must indicate the typical tasks and responsibilities that will be assigned to the position and may include desired or required education and experience. **Place all job descriptions or duty statements at the end of the Project Personnel Section.**
- e) Identify by name and/or position title, each key staff person that will have primary responsibility for managing, directing, overseeing and/or coordinating the work of assigned staff, subcontractors and/or independent consultants and who will maintain effective communications with CDHS (i.e., Project or Program Manager, Project or Program Director, Contract Manager, etc.).
 - i. Briefly, describe each person's expertise, capabilities, and credentials.
 - ii. Emphasize any relevant past experience in directing, overseeing, coordinating, or managing other government projects similar to this engagement.

- f) Include a 1-2 page resume for each key staff person (professional, managerial or supervisory) that will exercise a major administrative, policy, or consulting role in carrying out the project work. **Place staff resumes in the Appendix Section.** To the extent possible, resumes should not include personal information such as a social security number, home address, home telephone number, marital status, sex, birth date, age, etc.
- 2) Briefly, describe the administrative policies or procedures will be used to ensure that the proposing firm will recruit and select well-qualified, competent, and experienced in-house staff, subcontractors and/or independent consultants.
 - a) If employee recruitment/selection policies or procedures are present in an operations manual, Proposers may cite excerpts from such manuals. Do not simply indicate that such policies exist and do not attach copies of any policies or manuals to the proposal. If deemed necessary, CDHS may request copies of the Proposer's existing manuals or policies.
- 3) Briefly, describe the processes or procedures that will be used to ensure that vacancies are filled expeditiously and that services are continued despite the presence of vacancies.
- 4) If subcontractors (including independent consultants) will be used to perform contract services, Proposers must do the following at the time of proposal submission:
 - a) Indicate if the Proposer has pre-identified any firms/persons to perform the work or if the Proposer will recruit them later.
 - i. For each pre-identified subcontractor and independent consultant include:
 - A. Full legal name.
 - B. A job description or duty statement that outlines the duties and functional responsibilities that will be assigned to the subcontracted firm or independent consultant.
 - C. A brief explanation as to why the subcontracted firm or independent consultant was chosen. Stress details such as applicable skills, knowledge, capabilities, past experience or accomplishments, availability, reasonableness of rates, notoriety in a field or specialty, etc.
 - D. A 1-2 page resume for each pre-identified subcontractor and independent consultant. **Place all subcontractor and/or consultant resumes in the Appendix Section.** Resumes should not include personal information such as a social security number, home address, home telephone number, marital status, sex, birth date, age, etc.
 - E. A letter of agreement, signed by an official representative of each subcontractor or independent consultant. **Place all subcontractor and/or consultant letters of agreement in the Appendix Section.**

Specific subcontractor and/or independent consultant relationships proposed in response to this RFP (i.e., identification of pre-identified subcontractors and independent consultants) shall not be changed during the procurement process or prior to contract execution. The pre-

identification of a subcontractor or independent consultant does not affect CDHS' right to approve personnel or staffing selections or changes made after the contract award.

- ii. For subcontractors and/or independent consultants that cannot be identified when the proposal is submitted to CDHS or are to be determined (TBD) after the contract is executed, include:
 - A. An identification of the functions, activities, and responsibilities that will be assigned to each subcontractor and/or independent consultant.
 - B. A description of the process that will be used to obtain CDHS approval of each subcontractor and/or independent consultant selection along with approval of their budgeted costs and assigned responsibilities.

h. Cost Section

1) Basic Content

The Cost Section will consist of the following documents:

- a) Cost Proposal form (**Attachment 11**)
- b) Cost justification/documentation

2) General Instructions

- a) The Cost Proposal form must be typewritten or completed in ink. Errors, if any, should be crossed out and corrections should be printed in ink or typewritten adjacent to the error. The person who signs the Cost Proposal should initial all corrections preferably in blue ink.
- b) On the Cost Proposal form, indicate the **all inclusive** fee to be received for each deliverable described.
- c) When completing the Cost Proposal form, include all estimated costs in your all inclusive rate proposal to perform the services described and produce the deliverables required. CDHS will not reimburse the Contractor for any costs not included in the cost proposal represented in **Attachment 11**. These cost consideration may include, but are not limited to:
 - 1. Personnel Costs
 - 2. Fringe Benefits
 - 3. Operating Expenses
 - 4. Equipment Expenses
 - 5. Facility Expenses
 - 6. Subcontract Expenses
 - 7. Travel Costs
 - 8. Indirect Costs
 - 9. Phase in and Phase Out Costs (unpaid portions of the contract term)

3) Required Cost Justification/Documentation

In the Cost Section of the proposal, include any facts and information to explain the reasonableness and/or necessity of the proposed budgeted costs.

Include, at the Proposer's option, any other information that will assist CDHS to understand how the proposed costs were determined and why the proposed costs are reasonable, justified, and/or competitive. Unless discussed elsewhere within this section, explain any unusually high or disproportionate cost elements appearing in any of the required deliverables.

i. Appendix Section

Place the following documentation in the Appendix Section of the proposal in the order shown below.

1) **Proof of Corporate Status**

If the Proposer is a Corporation, submit **either** a copy of the proposing firm's most current Certificate of Status issued by State of California, Office of the Secretary of State **or** submit a downloaded copy of the proposing firm's on-line status information from the California Business Portal website of California's Office of the Secretary of State. Include an explanation if this documentation cannot be submitted. Unless otherwise specified, do not submit copies of the proposing firm's Bylaws or Articles of Incorporation.

2) **Proof of Nonprofit Status**

Nonprofit organizations must prove they are legally eligible to claim "nonprofit" and/or tax-exempt status by submitting a copy of an Internal Revenue Service determination letter indicating nonprofit or 501 (3) (c) tax-exempt status. Submit an explanation if this documentation cannot be supplied.

3) **An Organization Chart**

The organizational chart must show the lines of authority and reporting relationships within the Proposer's organization including the relationship between management and subcontractors and/or independent consultants, if any.

4) **Financial Statements**

Submit copies of financial statements for the past twenty-four (24) month period.

- a) Annual income statement(s), and
- b) Quarterly **or** annual balance sheets

Audited statements are preferred, but not required. If audited financial statements are supplied, all noted audit exceptions must be explained. CDHS will accept financial statements prepared by a Proposer's financial accounting department, accounting firm or an auditing firm. A statement signed by a Proposer's Chief Financial Officer certifying that the financial statements are accurate and complete must accompany all financial statements.

5) **Staff Resumes**

Resume specifications appear in the Project Personnel Section. To the extent possible, resumes should not exceed 1-2 pages in length per person and should not include personal information such as a social security number, home address, home telephone number, home email address, marital status, sex, birth date, age, etc.

6) **Subcontractor/Consultant Resumes**

Submit a resume for each pre-identified subcontractor or independent consultant, if any, as discussed in the Project Personnel Section. To the extent possible, resumes should not exceed 1-2 pages in length per person and should not include personal information such as a social security number, home address, home telephone number, home email address, marital status, sex, birth date, age, etc.

7) **Subcontractor/Consultant Letters of Agreement**

For each pre-identified subcontractor and independent consultant that will be used to perform services under the resulting contract, submit a letter of agreement to work on this project.

A letter of agreement must be signed by an official representative of each subcontracted firm or independent consultant, indicating his or her acknowledgement of being named as a subcontractor or consultant, their availability to work on this project and acknowledgement that they have read or been made aware of the proposed contract terms, conditions and exhibits. Include an explanation if a letter of agreement cannot be obtained from each pre-identified subcontractor and consultant and indicate when a letter of agreement will be forthcoming.

8) **Conflict of Interest Compliance Certificate**

- a) Any firm that intends to submit a proposal is required to submit **Attachment 12** certifying that the proposing firm:
 - i. Is not currently involved with or connected to any Contractor or subcontractor (including independent consultant) that is contracted with any Medi-Cal Managed care health plan, provider, or billing agent for Medi-Cal Services, and;
 - ii. Understands that the conflict of interest requirements shall remain in effect for the entire term of the resulting agreement.
- b) If a conflict of interest is determined to exist that cannot be resolved to the satisfaction of CDHS before the award of the contract, the conflict will be grounds for deeming a proposal non-responsive.
- c) Proposers must assess their own situation according to the Conflict of Interest Compliance Certification information in **Attachment 12**. Complete, sign, and attach any required documentation according to the instructions on the attachment. **Place Attachment 13 and any accompanying documentation in the Appendix Section of the proposal.**

j. Forms Section

Complete, sign, and include the forms/attachments listed below. When completing the attachments, follow the instructions in this section and any instructions appearing on the attachment. After completing and signing the applicable attachments, assemble them in the order shown below.

Attachment #, Name, or Documentation	Instructions
2 - Required Attachment / Certification Checklist	<p>1) Check each item with “Yes” or “N/A”, as applicable, and sign the form. If necessary, explain the choices.</p> <p>2) If a Proposer marks “Yes” or “N/A” and makes any notation on the checklist and/or attaches an explanation to the checklist to clarify their choice, CDHS considers this a “qualified response”. Any “qualified response”, determined by CDHS to be unsatisfactory or insufficient to meet a requirement, may cause a proposal to be deemed non-responsive.</p>
3 - Business Information Sheet	Completion of the form is self-explanatory.
4 - Client References	Identify three (3) clients serviced within the past five years that can confirm their satisfaction with the Proposer’s services and confirm that the Proposer provided timely and effective services or deliverables. If possible, identify clients whose needs were similar in scope and nature to the services sought in this RFP. List the most recent first.
5 - RFP Clause Certification	Complete and sign this form indicating a willingness and ability to comply with the contract certification clauses appearing in the RFP section entitled, “Bid Requirements and Information,” subsection “Bidding Certification Causes”.
6 - CCC 307 – Certification	<p>Complete and sign this form indicating a willingness and ability to comply with the Contractor Certification Clauses appearing in this Attachment. The attachment supplied in this solicitation represents only a portion of the contractor information in this document. Visit this web site to view the entire document:</p> <p>http://www.ols.dgs.ca.gov/Standard+Language/default.htm.</p>
7 - Payee Data Record	Complete and return this form, <u>only</u> if the proposing firm has not previously entered into a contract with CDHS. If uncertain, complete and return the form.
8 – Follow-on Consultant Contract Disclosure	Complete and sign this form. If applicable, attach to this form the appropriate disclosure information.
<p>9a - Actual DVBE Participation and applicable DVBE certification(s)</p> <p>and/or</p> <p>9b - Good Faith Effort with required documentation</p>	<p>Read and carefully follow the completion instructions in Attachment 9. Attach the documentation that is required for the form(s) that are submitted. One and/or both of these two forms may be required. Submission of the forms identified here only applies to contract awards that will equal \$10,000 or more for the entire contract term.</p>

Attachment #, Name, or Documentation	Instructions
10a-Non-Small Business Subcontractor Preference Request 10b-Small Business Subcontractor / Supplier Acknowledgement	Submission of these forms is optional. Read and carefully follow the completion instructions in Attachments 10, 10a, and 10b. Complete and return Attachments 10a and 10b <u>only</u> if the bidding firm is a not a certified small business but is requesting a subcontractor bidding preference by committing to use one or more certified small business subcontractors for an amount equal to at least 25% of the total bid price.
11 – Cost Proposal Form	Complete the Cost Proposal form, include all estimated costs in your all inclusive rate proposal to perform the services over the entire contract term, including applicable annual rate adjustments attributable to merit increases, profit margins, and inflation or cost of living adjustments
12 – Conflict of Interest Compliance Certificate	<p>Proposes must assess their own situation according to the Conflict of Interest Compliance Certification information I this attachment. Complete, sign and attach any required documentation according to the instructions in the attachment.</p> <p>In the event a Proposer has a suspected or potential conflict relationship, the Proposer must provide a written statement to CDHS that describes what relationship it has with the entity in question, and its plan for protecting CDHS form any potential conflict or negative impact.</p>

K. Proposal Submission

1. General Instructions

- a. Assemble an original and five (5) copies and one (1) CD-ROM of the proposal together. Place the proposal set marked “Original” on top, followed by the five (5) extra copies.
- b. Place all proposal copies in a single envelope or package, if possible. Seal the envelope or package.

If more than one envelope or package is submitted, carefully label each one as instructed below, and mark on the outside of each envelope or package “1 of X”, “2 of X”, etc.

- c. Mail or arrange for hand delivery of the proposal to the California Department of Health Services, at the address indicated below. Proposals may not be transmitted electronically by fax or email.
- d. The OMCP must receive the proposal, regardless of postmark or method of delivery, by **4:00 p.m. on July 10, 2007**. Late proposals will not be reviewed or scored.
- e. Label and submit the proposal using one of the following methods.

U.S. Mail:	Hand Delivery or Overnight Express/Courier:
Proposal RFP 07-65484 MMIS SOW Michele DeGuzman California Department of Health Services Mail Station 4200 Office of Medi-Cal Procurement P.O. Box 997413 Sacramento, CA 95899-7413	Proposal RFP 07-65484 MMIS SOW Michele DeGuzman California Department of Health Services Mail Station 4200 Office of Medi-Cal Procurement 1501 Capitol Avenue, Suite 71.3041 Sacramento, CA 95814

f. Proposer Warning

- 1) CDHS' internal processing of U.S. mail may add 48 hours or more to the delivery time. If the Narrative Proposal is mailed, consider using certified or registered mail and request a receipt upon delivery.
- 2) For hand deliveries, allow sufficient time to locate on street metered parking and to sign-in at the security desk. Ask security personnel to call Michele DeGuzman at 552-8006 to arrange for proposal pickup and receipt issuance. Proposers are warned not to surrender their proposals in the care of a person other than CDHS OMCP staff.
- 3) Courier service personnel must sign-in at the security station. Ask security personnel to call Michele DeGuzman at 552-8006 to have an appropriate staff member collect the proposal package(s) and to issue a receipt. Couriers are warned not to surrender proposals in the care of a person other than CDHS OMCP staff.

2. Proof of Timely Receipt

- a. Upon delivery of the Narrative Proposal to the OMCP, each Proposer will be issued a receipt indicating the date and time the proposal package/envelope was received. If a proposal envelope or package is hand delivered, CDHS OMCP staff will give a bid receipt to the hand carrier upon request. If a proposal package envelope or package is mailed, the OMCP staff will mail a receipt to the Proposer.
- b. To be timely, OMCP must receive each proposal at the stated delivery address no later than 4:00 p.m. on the proposal submission due date. Neither delivery to the department's mailroom, or to the CDHS program that issued this RFP, or a U.S. postmark will serve as proof of timely delivery.
- c. CDHS will deem late proposals non-responsive.

3. Proposer Costs

Proposers are responsible for all costs of developing and submitting a proposal. Such costs cannot be charged to CDHS or included in any cost element of a Proposer's price offering.

L. Evaluation and Selection

A multiple stage evaluation process will be used to review and/or score narrative proposals. CDHS shall reject any proposal that is deemed to be non-responsive, at any stage of evaluation.

A separate evaluation committee will be used for all stages during the evaluation and selection process. The evaluation committee is comprised of four groups:

The **Preliminary Review Committee (PRC)** consists of team leads from OMCP and Medi-Cal Payment Systems Division and conducts the Stage 1 review.

The **Evaluation Scoring Committee (ESC)** consists of Payment Systems Division staff and CDHS staff working in other areas of the Medi-Cal program. The ESC conducts the review of the proposals.

The **Rating Review Committee (RRC)** consists of OMCP management staff and members of the PRC. The RRC will interact with the ESC throughout the evaluation process.

The **Executive Review Committee (ERC)** consists of CDHS management officials. The ERC may, at the members' discretion, review evaluation and selection processes and recommended scores for each proposal throughout the procurement process. The review is to assure all appropriate processes have been followed. Additionally, the ERC may seek independent review or advice from individuals within the CDHS or elsewhere regarding procurement policy matters, narrative and/or rate proposal deficiencies, and acceptability.

1. Stage 1 – Required Attachment / Certification Checklist Review

- a. Shortly after the proposal submission deadline, CDHS staff will convene to review each proposal for timeliness, completeness, and initial responsiveness to the RFP requirements. This is a pass/fail evaluation.
- b. In this review stage, CDHS will compare the contents of each proposal to the claims made by the Proposer on the Required Attachment / Certification Checklist to determine if the Proposer's claims are accurate.
- c. If deemed necessary, CDHS may collect additional documentation (i.e., missing forms, missing data from RFP attachments, missing signatures, etc.) from a Proposer to confirm the claims made on the Required Attachment / Certification Checklist and to ensure that the proposal is initially responsive to the RFP requirements.
- d. If a Proposer's claims on the Required Attachment / Certification Checklist cannot be proven or substantiated, the proposal will be deemed non-responsive and rejected from further consideration.

2. Stage 2 – Narrative Proposal Evaluation/Scoring

- a. Proposals that appear to meet the basic format requirements, initial qualification requirements and contain the required documentation, as evidenced by passing the Stage 1 review, will be submitted to a rating committee.

The raters will individually and/or as a team review, evaluate and numerically score proposals based on the proposal's adequacy, thoroughness, and the degree to which it complies with the RFP requirements.

- b. CDHS will use the following scoring system to assign points. Following this chart is a list of the considerations that raters may take into account when assigning individual points to a technical proposal.

Points	Interpretation	General basis for point assignment
0	Inadequate	Proposal response (i.e., content and/or explanation offered) is inadequate or does not meet CDHS' needs/requirements or expectations. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
1	Barely Adequate	Proposal response (i.e., content and/or explanation offered) is barely adequate or barely meets CDHS' needs/requirements or expectations. The omission(s), flaw(s), or defect(s), are inconsequential and acceptable.
2	Adequate	Proposal response (i.e., content and/or explanation offered) is adequate or meets CDHS' needs/requirements or expectations. The omission(s), flaw(s), or defect(s), if any, are inconsequential and acceptable.
3	More than Adequate	Proposal response (i.e., content and/or explanation offered) is more than adequate or fully meets CDHS' needs/requirements or expectations.
4	Excellent or Outstanding	Proposal response (i.e., content and/or explanation offered) is well above average or exceeds CDHS' needs/requirements or expectations. Proposer offers one or more enhancing feature, methods or approaches that will enable performance to exceed CDHS' basic expectations.

- c. In assigning points for individual rating factors, raters may consider issues including, but not limited to, the extent to which a proposal response:
- 1) Is lacking information, lacking depth or breadth or lacking significant facts and/or details, and/or
 - 2) Is fully developed, comprehensive and has few if any weaknesses, defects or deficiencies, and/or
 - 3) Demonstrates that the Proposer understands CDHS' needs, the services sought, and/or the contractor's responsibilities, and/or
 - 4) Illustrates the Proposer's capability to perform all services and meet all scope of work requirements, and/or
 - 5) If implemented, will contribute to the achievement of CDHS' goals and objectives, and/or
 - 6) Demonstrates the Proposer's capacity, capability and/or commitment to exceed regular service needs (i.e., enhanced features, approaches, or methods; creative or innovative business solutions).
- d. Below are the point values and weight values for each rating category that will be scored.
- 1) Proposals, excluding the Cost Section, will be scored on a scale of 0 to 194 points, as follows:

<u>Rating Category</u>	<u>Points</u>	<u>X</u>	<u>Weight</u>	<u>=</u>	<u>Total</u>
Executive Summary	20	X	0.5	=	10
Agency Capability	44	X	1.5	=	66
Work Plan	28	X	2.0	=	56
Management Plan	32	X	1.0	=	32
Project Personnel	20	X	1.5	=	30
Grand Total					194

3. Stage 3 – Scoring the Cost Section

- Proposers will have the Cost Section of their proposal scored and/or evaluated according to the process described herein.
- The proposal offering the lowest total cost earns 83 Cost points. The remaining proposals earn cost points through the cost conversion formula shown below. Final calculations shall result in numbers rounded to two decimal places.

$$\frac{\text{Lowest Cost}}{\text{Another Cost}} \times 83 (\text{Possible cost points}) = \text{Cost score of the Other Proposal}$$

c. Example for Illustration Purposes:

Lowest cost earns 83 points.

$$\begin{aligned} \$100,000 (\text{lowest cost}) \div \$127,000 (\text{another proposal cost}) &= .7874 \\ .7874 \times 83 \text{ points} &= 65.35 (\text{Cost Section Score of another Proposer}) \end{aligned}$$

4. Stage 4 – Combining Narrative Proposal Score and Cost Section Score

CDHS will combine the narrative proposal score to the final Cost Section score and will tentatively identify the firm with the highest combined proposal score from each of the earlier evaluation stage(s).

5. Stage 5 – Adjustments to Score Calculations for Bidding Preferences

- CDHS will determine which firms, if any, are eligible to receive a bidding preference (i.e., small business or non-small business subcontractor preference).
- To confirm the identity of the highest scored responsive Proposer, CDHS will adjust the total score for applicable claimed preference(s) for those Proposers eligible for bidding preferences. CDHS will apply preference adjustments to eligible Proposers according to State regulations following verification of eligibility with the appropriate office of the Department of General Services. More information about the allowable bidding preferences appears in the RFP section entitled, "Preference Programs".

6. Stage 6 – Final Score Calculation

CDHS will use the formula shown below to calculate final proposal scores and to determine the highest scored proposal.

- Narrative Proposal Score x 70% = Narrative Score
- Cost Section Score x 30% = Cost Score
- Narrative Score

$$+ \frac{\text{Cost Score}}{\text{Total Point Score}}$$

M. Narrative Proposal Rating Factors

1. Executive Summary

Executive Summary Rating Factors [Not to exceed 3 pages]	Points Possible	Points Earned
To what extent did the Proposer express, in its own words, its understanding of CDHS' needs and the importance of this project? Assign 1 point or 0 points if the Proposer restates or paraphrases information in the RFP.	0-4	
To what extent did the Proposer demonstrate the tangible results that it expects to achieve? Assign 1 point or 0 points if the Proposer restates or paraphrases information in the RFP.	0-4	
To what extent did the Proposer express a sincere commitment to perform this work in an efficient and timely manner?	0-4	
To what extent did the Proposer demonstrate that it can effectively integrate this project into its current obligations and existing workload?	0-4	
To what extent did the Proposer adequately explain why it should be chosen to undertake this project at this time?	0-4	
Executive Summary Score __20__ Points earned X 0.5 = __10__		

2. Agency Capability

Agency Capability Rating Factors	Points Possible	Points Earned
Upon reviewing the Proposer's description of its business history, to what extent are the Proposing firm's goals relevant, closely related, or will their goals complement this project?	0-4	
From the experience described in its proposal, to what extent does the Proposer possess experience in developing a SOW that is for the purposes of acquiring a new fiscal agent and a new MMIS?	0-4	
Has the Proposer demonstrated the experience includes providing SOW language that assures the latest advancements and innovations to modify the existing claims processing and reporting systems of the MMIS to meet new state and federal requirements are employed?	0-4	
From the experience described in its proposal, to what extent does the Proposer possess experience in providing an independent analysis and review of the existing State processes of the MMIS operation and system functionality?	0-4	
From the experience described in its proposal, to what extent does the Proposer possess experience in providing advice on how to structure the development of evaluation guidelines and criteria used in the evaluation of proposals?	0-4	
From the experience described in its proposal, to what extent does the Proposer possess experience in providing reports identifying potential risks based on the experience and knowledge regarding other States implementation of a new MMIS?	0-4	

From the experience described in its proposal, to what extent does the Proposer possess experience in providing an acceptance testing, parallel testing, review process and implementation schedule which documents the deficiencies of the operation and included a process to provide clarification of the project and resolution of issues to obtain final approval for implementation?	0-4	
From the experience described in its proposal, to what extent does the Proposer possess experience in providing the preparation and monitoring of timelines and deadlines to document the progress and status of the project?	0-4	
Based on a review of the Proposer's information about its prior accounts or work projects in the past 5 years, to what extent did the Proposer demonstrate that it has performed services that were similar in nature or closely related to the RFP Scope of Work?	0-4	
To what extent did the Proposer's prior clients, as a whole, confirm their satisfaction with the Proposer's past work and did those clients indicate that they would use the Proposer's services again?	0-4	
To what extent did the Proposer's prior clients confirm the Proposer's ability to deliver timely and effective services and deliverables?	0-4	
Agency Capability Score <u>44</u> Points earned X 1.5 = <u>66</u>		

1. Work Plan

Work Plan Rating Factors	Points Possible	Points Earned
To what extent are the Proposer's overall approaches and/or methods comprehensive and/or technically sound?	0-4	
To what extent did the Proposer offer a rationale basis for choosing its particular approaches and methods (i.e., proven success or past effectiveness)?	0-4	
To what extent are the proposed procedures, methods and approaches appropriate and reasonable (i.e., if implemented are they likely to produce the desired results)?	0-4	
To what extent does the Proposer describe in detail the specific actions (i.e., tasks/activities and functions) that the Proposer will perform to fulfill all scope of work requirements?	0-4	
To what extent will the Proposer perform the tasks/activities and functions in a logical order?	0-4	
To what extent are the proposed performance time lines realistic and achievable?	0-4	
To what extent did the Proposer adequately demonstrate how it will measure and/or prove the completion of major tasks, functions, or activities (i.e., identification of key events/outcomes or deliverables)?	0-4	
Work Plan Score <u>28</u> Points earned X 2.0 = <u>56</u>		

2. Management Plan

Management Plan Rating Factors	Points Possible	Points Earned
To what extent has the Proposer demonstrated its capability to effectively coordinate, manage and monitor the efforts of assigned staff (including subcontractors and consultants) to ensure that work is effectively completed and timely?	0-4	
Upon reviewing the Proposer's description of its fiscal accounting processes and budgetary controls, to what extent are the fiscal processes and controls appear adequate to ensure the responsible use and management of contract funds and accurate invoicing?	0-4	
Upon reviewing the Proposer's description of its fiscal accounting processes and budgetary controls, to what extent can the Proposer properly account for state project costs to ensure that only appropriate costs are billed to CDHS?	0-4	
Upon reviewing a description of its fiscal accounting processes and budgetary controls, to what extent does the Proposer has appropriate fiscal reporting and fiscal monitoring capabilities to ensure contract funds are managed responsibly?	0-4	
Upon reviewing a description of its fiscal accounting processes and budgetary controls, to what extent has the Proposer demonstrated that it will maintain appropriate documentation to prove, support or substantiate the expenses invoiced to CDHS?	0-4	
Upon reviewing the Proposer's organization chart in the Appendix Section, to what extent is the Proposer's organizational structure sound with distinct lines of authority and reporting relationships between management and all staff including subcontractors and independent consultants?	0-4	
Upon reviewing the Proposer's financial statements in the Appendix Section, to what extent is the Proposer is financially stable and sound?	0-4	
Upon reviewing the Proposer's financial statements in the Appendix Section, to what extent does the Proposer have access to appropriate fiscal resources to carry State expenses for several months while awaiting reimbursement?	0-4	
Management Plan Score	<u>32</u> Points earned X 1.0 =	<u>32</u>

3. Project Personnel

Project Personnel Rating Factors	Points Possible	Points Earned
Upon reviewing the Proposer's staffing plan, to what extent has the Proposer allocated the number of staff in the appropriate position levels or classifications to perform the full range of services?	0-4	
<p>Upon reviewing the proposed job descriptions or duty statements for the proposed personnel (including subcontractors and independent consultants), to what extent has the Proposer reasonably divided the work between its in-house resources and proposed subcontractors (including independent consultants)?</p> <p>If no subcontracting or use of consultants is proposed, up to 4 points will be assigned based on the effectiveness of the Proposer's allocation of tasks to its in-house personnel.</p>	0-4	

Project Personnel Rating Factors	Points Possible	Points Earned
Upon reviewing the job descriptions and resumes of the proposed staff <i>[excluding the project director(s)/administrator(s) or project coordinator(s)]</i> , to what extent do the proposed personnel possess the qualifications and expertise needed to perform the assigned duties?	0-4	
Upon reviewing the job descriptions and resumes of the proposed project director(s)/administrator(s) or project coordinator(s), to what extent do the proposed personnel possess the qualifications, past experience and expertise needed to carry out their assigned responsibilities?	0-4	
Upon reviewing the Proposer's administrative policies and procedures, to what extent will the policies/procedures lead to the recruitment and selection of qualified, competent and experienced staff, subcontractors and/or independent consultants for this project?	0-4	
Project Personnel Score	<u> 20 </u> Points earned X 1.5 =	<u> 30 </u>

N. Bid Requirements and Information

1. Non-responsive Proposals

In addition to any condition previously indicated in this RFP, the following occurrences **may** cause CDHS to deem a proposal non-responsive.

- a. Failure of a Proposer to:
 - 1) Meet DVBE participation goals or to demonstrate that a substantial Good Faith Effort (GFE) was made to meet those goals.
 - 2) Meet proposal format/content or submission requirements including, but not limited to, the sealing, labeling, packaging and/or timely and proper delivery of proposals.
 - 3) Pass the Required Attachment / Certification Checklist review (i.e., by not marking "Yes" to applicable items or by not appropriately justifying, to CDHS' satisfaction, all "N/A" designations).
 - 4) Submit a **mandatory** Conflict of Interest Compliance Certificate in the manner required, if applicable.
- b. If a Proposer submits a proposal that is conditional, materially incomplete or contains material defects, alterations or irregularities of any kind.
- c. If a Proposer supplies false, inaccurate or misleading information or falsely certifies compliance on any RFP attachment.
- d. If CDHS discovers, at any stage of the bid process or upon contract award, that the Proposer is unwilling or unable to comply with the contract terms, conditions and exhibits cited in this RFP or the resulting contract.
- e. If other irregularities occur in a proposal response that is not specifically addressed herein (i.e., the Proposer places any conditions on performance of the scope of work, submits a counter proposal, etc.).

2. Proposal Modifications after Submission

- a. All proposals are to be complete when submitted. However, an entire proposal may be withdrawn and the Proposer may resubmit a new proposal.
- b. To withdraw and/or resubmit a new proposal, follow the instructions appearing in the RFP section entitled, "Withdrawal and/or Resubmission of Proposals".

3. Proposal Mistakes

If prior to contract award, award confirmation, or contract signing, a Proposer discovers a mistake in their proposal and/or cost offering that renders the Proposer unable or unwilling to perform all scope of work services as described in its proposal response for the price/costs offered, the Proposer must immediately notify CDHS and submit a written request to withdraw its proposal following the procedures set forth in Section N, Paragraph 4b.

4. Withdrawal and/or Resubmission of Proposals

a. Withdrawal Deadlines

A Proposer may withdraw a proposal at any time before the proposal submission deadline.

b. Submitting a Withdrawal Request

- 1) Submit a written withdrawal request, signed by an authorized representative of the Proposer.
- 2) Label and submit the withdrawal request using one of the following methods.

U.S. Mail, Hand Delivery or Overnight Express:	Fax:
Withdrawal RFP 07-65484 MMIS SOW Michele DeGuzman California Department of Health Services Office of Medi-Cal Procurement Mail Station 4200 1501 Capitol Avenue, Suite 71.3041 P.O. Box 997413 Sacramento, CA 95899-7413	Withdrawal RFP 07-65484 MMIS SOW Michele DeGuzman California Department of Health Services Office of Medi-Cal Procurement Fax: (916) 440-7369

- 3) **[For Faxed Withdrawal Requests]** Proposers must call (916) 552-8006 to confirm receipt of a faxed withdrawal request. Follow-up the faxed request by mailing or delivering the signed original withdrawal request within 24 hours after submitting a faxed request.

An originally signed withdrawal request is generally required before CDHS will return a proposal to a Proposer. CDHS may grant an exception if the Proposer informs CDHS that a new or replacement proposal will immediately follow the withdrawal.

c. Resubmitting a Proposal

After withdrawing a proposal, Proposers may resubmit a new proposal according to the proposal submission instructions. Replacement proposals must be received at the stated place of delivery by the proposal due date and time.

5. Contract Award and Protests

a. Contract Award

- 1) Award of the contract, if awarded, will be to the responsive and responsible Proposer, who earns the highest total score. The highest scored proposal will be determined after CDHS adjusts Proposer scores for applicable bidder preferences.
- 2) CDHS shall award the contract only after CDHS posts a Notice of Intent to Award for five (5) working days. CDHS expects to post the Notice of Intent to Award by noon on July 24, 2007 in a Contract Award Notices Binder which will be available for viewing by the public during normal business hours, at the following location:

California Department of Health Services
Contract Management Unit
1501 Capitol Avenue, First Floor Guard Station
Sacramento, CA 95814

- 3) CDHS will mail, email, or fax a written notification and/or a copy of the Notice of Intent to Award to all firms that submitted a proposal.
- 4) CDHS will post the Intent to Award on the OMCP web page at <http://www.dhs.ca.gov/omcp>
- 5) CDHS will confirm the contract award to the winning Proposer after the protest deadline, if no protests are filed or following the Department of General Service's resolution of all protests. CDHS staff may confirm an award verbally or in writing.
- 6) It is intended that the Contract will be awarded within thirty (30) calendar days from the scheduled date of the Notice of Intent to Award. However, CDHS may award the Contract later, in which case bid prices will be valid for a minimum of six (6) months following the Notice of Intent to Award, or longer if agreed to by the successful Proposer and CDHS.
- 7) CDHS reserves the right to reject all bids, whether responsive or not.

b. Settlement of Ties

- 1) In the event of a precise total high score tie between a responsive proposal submitted by a certified small business or microbusiness and a responsive proposal submitted by a certified DVBE that is also a certified small business, the contract will be awarded to the DVBE firm per Government Code Section 14838(f) et seq.
- 2) In the event of a precise total high score tie between a responsive proposal submitted by a firm that was granted non-small business subcontractor preference and a responsive proposal submitted by a certified small business or microbusiness, the contract will be awarded to the certified small business or microbusiness.

- 3) In the event of a precise total high score between a responsive proposal submitted by a nonprofit veteran service agency (NVSA) that is a certified small business and a responsive proposal submitted by a certified DVBE that is also a certified small business, the contract will be awarded to the certified DVBE.
- 4) In the absence of a California law or regulation governing a specific tie, CDHS will settle all other precise total high score ties by making an award to the Proposer who earns the highest narrative or Technical Proposal score. If narrative or Technical Proposal scores are also tied, CDHS will settle the tie in a manner that CDHS determines to be fair and equitable (e.g., coin toss, lot drawing, etc.). In no event will CDHS settle a tie by dividing the work among the tied Proposers.

c. Protests

1) Who can Protest

Any Proposer who submits a proposal may file protest if the Proposer believes its proposal is responsive to all RFP requirements.

2) Grounds for Protests

Protests are limited to the grounds described in Public Contract Code (PCC) Section 10345. CDHS will not make an award until all protests are withdrawn by the protestant, denied, or resolved to the satisfaction of the Department of General Services (DGS).

3) Protest Time Lines

- a. If an eligible Proposers wishes to protest the intended contract award, the Proposer must file a "Notice of Intent to Protest" with both CDHS and the Department of General Services within five working days after CDHS posts the Notice of Intent to Award. The Notice of Intent to Protest may be quite brief. Any Notice of Intent to Protest filed more than five working days after CDHS posts the Notice of Intent to Award shall be untimely.
- b. Within five calendar days after filing a "Notice of Intent to Protest", the protestant must file with both CDHS and the Department of General Services a full and complete written protest statement identifying the specific grounds for the protest. The statement must contain, in detail, the reasons, law, rule, regulation, or practice that the protestant believes CDHS has improperly applied in awarding the contract.

4) Submitting a Protest

Protests must be filed with both the Department of General Services and the California Department of Health Services. Proposers may hand deliver, mail or fax a protest.

Label, address, and submit the initial protest notice and detailed protest statement using one of the following methods.

U.S. Mail, Hand Delivery or Overnight Express:	Fax:
Protest to CDHS RFP 07-65484 MMIS SOW California Department of Health Services Mail Station Code 1403 Contract Management Unit Mail Station 1403 1501 Capitol Avenue, Suite 71.2101 P.O. Box 997413 Sacramento, CA 95899-7413	Protest to CDHS RFP 07-65484 MMIS SOW California Department of Health Services Contract Management Unit Fax: (916) 650-0110
Protest to CDHS RFP 07-65484 MMIS SOW Dept. of General Services Office of Legal Services Attention: Protest Coordinator 707 Third Street, 7 th Floor, Suite 7-330 P.O. Box 989052 West Sacramento, CA 95798-9052	Protest to CDHS RFP 07-65484 MMIS SOW Dept. of General Services Office of Legal Services Fax: (916) 376-5088

For Faxed Protests

Faxed protests must be followed-up by sending an original signed protest, with all supporting material, within one (1) calendar week of submitting the faxed protest.

Call the telephone numbers below to confirm receipt of a fax transmission:

Department of General Services	(916) 376-5080
California Department of Health Services	(916) 650-0100

6. Disposition of Proposals

- All materials submitted in response to this RFP will become the property of the California Department of Health Services and, as such, are subject to the Public Records Act (GC Section 6250, et seq.). CDHS will disregard any language purporting to render all or portions of any proposal confidential.
- Upon posting of a Notice of Intent to Award, all documents submitted in response to this RFP and all documents used in the selection process (e.g., review checklists, scoring sheets, letters of intent, etc.) will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public. However, proposal contents, Proposer correspondence, selection working papers, or any other medium shall be held in the strictest confidence until the Notice of Intent to award is posted.
- CDHS may return a proposal to a Proposer at their request and expense after CDHS concludes the bid process.

7. Inspecting or Obtaining Copies of Proposals

- Who can inspect or copy proposal materials

Any person or member of the public can inspect or obtain copies of any proposal materials.

b. What can be inspected / copied and when

- 1) After CDHS releases the RFP, any existing Proposers List (i.e., list of firms to whom the RFP is sent) is considered a public record and will be available for inspection or copying.
- 2) On or after the date CDHS posts the Notice of Intent to Award, all proposals, Proposers list, conference sign-in/attendance sheet, letters of intent, checklists and/or scoring/evaluation sheets become public records. These records shall be available for review, inspection and copying during normal business hours.

c. Inspecting or obtaining copies of proposal materials

Persons wishing to view or inspect any proposal or award related materials must identify the items they wish to inspect and must make an inspection appointment by contacting Michele DeGuzman at (916) 552-8006.

Persons wishing to obtain copies of proposal materials may visit CDHS. CDHS does not possess sufficient staff to reproduce and mail any proposal or award related materials. Additionally, CDHS will not provide persons with a State-owned copy machine to make copies of proposal or award related materials. However, there are other options, which are listed below.

Persons wishing to reproduce proposal or award related materials at OMCP may do so through the following methods.

For Hard Copies: Persons requesting to obtain copies of proposal or award related materials must make copies using their own copy machine and paper that are brought in to OMCP premises. Employees of OMCP are not available to copy the materials. Materials will not be released from State premises for the purposes of making copies.

Sending blank CD-R's: Interested parties also have the option of sending blank CD-Rs to OMCP by mail to the address listed below. Once received, OMCP will then send the requested proposal or award related materials. Hard copy information will not be available electronically or in CDs.

Request for Copies - RFP 07-65484

MMIS SOW

Michele DeGuzman
California Department of Health Services
Office of Medi-Cal Procurement
MS 4200
1501 Capitol Ave.
Sacramento, CA 95899-7413

8. Verification of Proposer Information

By submitting a proposal, Proposers agree to authorize CDHS to:

- a. Verify any and all claims made by the Proposer including, but not limited to verification of prior experience and the possession of other qualification requirements, and

- b. Check any reference identified by a Proposer or other resources known by the State to confirm the Proposer's business integrity and history of providing effective, efficient and timely services.

9. CDHS Rights

In addition to the rights discussed elsewhere in this RFP, CDHS reserves the following rights.

a. RFP Corrections

- 1) CDHS reserves the right to do any of the following up to the proposal submission deadline:
 - a) Modify any date or deadline appearing in this RFP or the RFP Time Schedule.
 - b) Issue clarification notices, addenda, alternate RFP instructions, forms, etc.
 - c) Waive any RFP requirement or instruction for all Proposers if CDHS determines that the requirement or instruction was unnecessary, erroneous or unreasonable.
 - d) Allow Proposers to submit questions about any RFP change, correction or addenda. If CDHS allows such questions, specific instructions will appear in the cover letter accompanying the document.
- 2) If deemed necessary by CDHS to remedy an RFP error or defect that is not detected in a timely manner, CDHS may also issue correction notices or waive any unnecessary, erroneous, or unreasonable RFP requirement or instruction after the proposal submission deadline.
- 3) If this RFP is clarified, corrected, or modified, CDHS will mail, email, or fax written clarification notices and/or RFP addenda to all persons/firms to whom CDHS sent this RFP.

If CDHS decides, just before or on the proposal due date, to extend the submission deadline, CDHS may choose to notify potential Proposers of the extension by fax, email, or by telephone. CDHS will follow-up any verbal notice in writing by fax, email, or by mail.

b. Collecting information from Proposers

- 1) If deemed necessary, CDHS may request a Proposer to submit additional documentation during or after the proposal review and evaluation process. CDHS will advise the Proposers orally, by fax, email, or in writing of the documentation that is required and the time line for submitting the documentation. CDHS will follow-up oral instructions in writing by fax, email, or mail. Failure to submit the required documentation by the date and time indicated may cause CDHS to deem a proposal non-responsive.
- 2) CDHS, at its sole discretion, reserves the right to collect, by mail, email, fax or other method; the following omitted documentation and/or additional information.
 - a) Signed copies of any form submitted without a signature.
 - b) Data or documentation omitted from any submitted RFP attachment/form.

- c) Information/material needed to clarify or confirm certifications or claims made by a Proposer.
 - d) Information/material or form needed to correct or remedy an immaterial defect in a proposal.
- 3) The collection of Proposer documentation may cause CDHS to extend the date for posting the Notice of Intent to Award. If CDHS changes the posting date, CDHS will advise the Proposers, orally, via email, or in writing, of the alternate posting date.
- c. Immaterial proposal defects
 - 1) CDHS may waive any immaterial defect in any proposal and allow the Proposer to remedy those defects. CDHS reserves the right to use its best judgment to determine what constitutes an immaterial deviation or defect.
 - 2) CDHS' waiver of an immaterial defect in a proposal shall in no way modify this RFP or excuse a Proposer from full compliance with all bid requirements.
- d. Correction of clerical or mathematical errors
 - 1) CDHS reserves the right, at its sole discretion, to overlook, correct or require a Proposer to remedy any obvious clerical or mathematical errors occurring in the narrative portion of a proposal, on a Cost Proposal form or on a Budget Detail Work Sheet.
 - 2) If the correction of an error results in an increase or decrease in the total price, CDHS shall give the Proposer the option to accept the corrected price or withdraw their proposal.
 - 3) Proposers may be required to initial corrections to costs and dollar figures on the Cost Proposal form or a Budget Detail Work Sheet if the correction results in an alteration of the annual costs or total cost offered.
 - 4) If a mathematical error occurs in a total or extended price and a unit price is present, CDHS will use the unit price to settle the discrepancy.
- e. Right to remedy errors

CDHS reserves the right to remedy errors caused by:

 - 1) CDHS office equipment malfunctions or negligence by agency staff,
 - 2) Natural disasters (i.e., floods, fires, earthquakes, etc.).
- f. No Contract award or RFP cancellation

The issuance of this RFP does not constitute a commitment by CDHS to award a contract. CDHS reserves the right to reject all proposals and to cancel this RFP if it is in the best interests of CDHS to do so.
- g. Contract amendments after award

As provided in the Public Contract Code governing contracts awarded by competitive bid, the CDHS reserves the right to amend the contract after CDHS makes a contract award.

h. Proposed use of subcontractors and/or independent consultants

Specific subcontract relationships proposed in response to this RFP (i.e., identification of pre-identified subcontractors and independent consultants) shall not be changed during the procurement process or prior to contract execution. The pre-identification of a subcontractor or independent consultant does not affect CDHS' right to approve personnel or staffing selections or changes made after the contract award.

i. Staffing changes after contract award

CDHS reserves the right to approve or disapprove changes in key personnel that occur after CDHS awards the contract.

O. Bidding Certification Clauses

1. Certificate of Independent Price Determination

a. The Prospective Proposer Certifies that:

- 1) The prices in this bid or proposal have been arrived at independently without any consultation, communication or agreement with any other Proposer, Proposer or competitor for the purpose of restricting competition relating to:
 - a) The prices or costs offered,
 - b) The intention to submit a bid or proposal,
 - c) The methods or factors used to calculate the costs or prices offered.
- 2) The prices in this bid or proposal have not been and will not be knowingly disclosed by the Proposer, directly or indirectly, to any other Proposer or competitor before the bid/cost proposal opening date or date of contract award posting, unless otherwise required by law.
- 3) No attempt has been made or will be made by the Proposer to induce any other firm or entity to submit or not to submit a bid or proposal for the purpose of restricting competition.

b. Each signature appearing on the documents contained in this bid package/proposal is considered to be a certification by the signatory that the signatory:

Is the person in the Proposer's organization that is either responsible for determining the prices offered in this bid or proposal and/or is designated to complete the bid or proposal forms on behalf of the bidding firm, and the signatory has not participated and will not participate in any action contrary to all subsections of paragraph a.

2. Debarment and Suspension Certification

a. The Contractor certifies to the best of its knowledge and belief, that it and its principals:

- 1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency;
- 2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal

or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- 3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph a.2) of this certification; and
 - 4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
 - 5) It shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in such transaction, unless authorized by the State.
 - 6) It will include a clause entitled "Debarment and Suspension Certification" that essentially sets forth the provisions herein, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- b. If the Contractor is unable to certify to any of the statements in this certification, the Contractor shall submit an explanation to the program funding this contract.

3. Lobbying Restrictions and Disclosure

(This certification only applies if the resulting contract total will equal or exceed \$100,000 and the contract will be federally funded in part or whole.)

- a. The Contractor certifies, to the best of its knowledge and belief, that:
- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - 2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Contractor shall complete and submit federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
 - 3) The Contractor shall require that the contents of this certification be collected from the recipients of all sub-awards, exceeding \$100,000, at all tiers (including subcontracts, sub-grants, etc.) and shall be maintained for three years following final payment/settlement of those agreements.
- b. This certification is a material representation of fact upon which reliance was placed when this contract was made and/or entered into. The making of the above certification is a prerequisite for making or entering into this contract pursuant to 31 U.S.C. 1352 (45 CFR 93). Any person who fails to file the required certification shall be subject to a civil

penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- c. The Standard Form-LLL may be obtained from various federal agencies, federally sponsored World Wide Web Internet sites, CDHS upon request or may be copied from Exhibit D(F) entitled, Special Terms and Conditions.

P. Preference Programs

To confirm the identity of the highest scored responsive Proposer, CDHS will adjust the total point score for applicable claimed preference(s). Bidding preferences shall not be applied to proposals that fail to pass the Checklist Review or fail to earn a minimum passing score during the narrative proposal scoring process. CDHS will apply preference adjustments to eligible Proposers according to State regulations following on-line or personal verification of eligibility with the appropriate office of the Department of General Services.

1. Small Business / Microbusiness Preference

- a. A responsive California small business or microbusiness Proposer claiming preference and verified as a certified small business or microbusiness in a relevant business category or type will be granted a preference of five percent (5%) of the total point score earned by the responsive/responsible Proposer with highest combined score, if the highest scored proposal is submitted by a non-small business. Non-small business means a responsive/responsible Proposer that is not certified by the California Department of General Services as a California small business or microbusiness in a relevant business category or type. The "service" category or business type will most likely apply to this procurement. Nonprofit Veteran Service Agencies (NVSA) are to view the instructions in provision 3 of this section (Preference Programs).
- b. To be certified as a California small business or microbusiness and eligible for a bidding preference the business concern must meet the State's eligibility requirements and must have submitted an application for small business status no later than 5:00 p.m. on the proposal submission deadline.
- c. Firms desiring small business or microbusiness certification must obtain the appropriate Small Business Certification Application (STD 813 or other form) from the appropriate office of the Department of General Services, fully complete the application, and submit it to the Department of General Services as instructed in the application. Prospective proposing firms desiring small business certification assistance, may contact the Department of General Services by the following means:
 - 1) (916) 322-5060 (24 hour recording and mail requests), or
 - 2) (916) 375-4940 (Small business assistance) or (800) 559-5529 (live operator Central receptionist), or
 - 3) Internet address: <http://www.pd.dgs.ca.gov/smbus/default.htm> or
 - 4) Fax: (916) 375-4950, or
 - 5) Email: osdchelp@dgs.ca.gov

2. Non-Small Business Subcontractor Preference

- a. Non-small business means a responsive/responsible Proposer that is not certified by the California Department of General Services as a small business or microbusiness.
- b. If the responsive Proposer earning the highest total score is not a certified small business/microbusiness, a bid preference up to five percent (5%) is available to a responsive non-small business Proposer committing twenty-five percent (25%) small

business subcontractor use of one or more small businesses. When applicable, the preference points will be calculated pursuant to the regulations in Title 2, California Code of Regulations (CCR) § 1896.8 and will be added to total score of an eligible non-small business. This preference is authorized pursuant to Title 2, CCR § 1896.2 and Government Code § 14835.

- c. If a Proposer claims the non-small business subcontractor preference, the proposal response must identify each proposed small business subcontractor that will be used, the participation percentage and dollar amount committed to each identified small business subcontractor, and substantial proof to enable verification of each subcontractor's small business status. The total small business subcontractor use must equal no less than twenty-five percent (25%) of the total cost offered.
- d. To be granted preference, each proposed small business subcontractor must possess an active small business certification issued by the Department of General services, must perform a "commercially useful function" under the contract and the basic functions to be performed must be identified at the time of proposal submission.
- e. Complete **Attachment 10a (Non-Small Business Subcontractor Preference Request) and Attachment 10b (Small Business Subcontractor/Supplier Acknowledgement)** to request the non-small business subcontractor preference.
- f. Refer to the RFP section entitled, "Settlement of ties" to learn how tied costs will be resolved.

3. Nonprofit Veteran Service Agency (NVSA) Small Business Preference

- a. Pursuant to Military and Veteran Code Section 999.50 et seq., responsive/responsible nonprofit veteran service agencies (NVSAs) claiming small business/microbusiness preference and verified as such in the relevant category or business type prior to the proposal submission due date will be granted a preference up to five percent (5%) of the highest score, if the highest scored responsive proposal is submitted by a Proposer not certified as a small business/microbusiness. The "service" category is the business type that will most likely apply to this procurement.
- b. To be eligible for the NVSA small business preference, the business concern must:
 - 1) Request small business preference at the time of proposal submission, and
 - 2) Become certified as a small business by the appropriate office of the California Department of General Services (DGS) prior to the proposal submission due date.
- c. Refer to the RFP section entitled, "Settlement of ties" to learn how tied proposals will be resolved.

Q. Contract Terms and Conditions

The winning Proposer must enter a written contract that may contain portions of the Proposer's proposal (i.e., Budget Detail Work Sheets, Work Plan), Scope of Work, standard contract provisions, the contract form, and the exhibits identified below. Other exhibits, not identified herein, may also appear in the resulting contract.

The exhibits identified in this section contain contract terms that require strict adherence to various laws and contracting policies. A Proposer's unwillingness or inability to agree to the proposed terms and conditions shown below or contained in any exhibit identified in this RFP

may cause CDHS to deem a Proposer non-responsible and ineligible for an award. CDHS reserves the right to use the latest version of any form or exhibit listed below in the resulting agreement if a newer version is available.

The exhibits identified below illustrate many of the terms and conditions that may appear in the final agreement between CDHS and the winning Proposer. Other terms and conditions, not specified in the exhibits identified below, may also appear in the resulting agreement. Some terms and conditions are conditional and may only appear in an agreement if certain conditions exist (i.e., contract total exceeds a certain amount, federal funding is used, etc.).

In general, CDHS will not accept alterations to the General Terms and Conditions (GTC), CDHS' Special Terms and Conditions, the Scope of Work, other exhibit terms/conditions, or alternate language that is proposed or submitted by a prospective contractor. CDHS may consider a proposal containing such provisions "a counter proposal" and CDHS may reject such a proposal as nonresponsive.

1. Sample Contract Forms / Exhibits

Exhibit Label	Exhibit Name
a. Exhibit A1	Standard Agreement (1 page)
b. Exhibit A	Scope of Work (3 pages)
c. Exhibit B	Budget Detail and Payment Provisions (4 pages)
d. Exhibit C - View on-line.	General Terms and Conditions (GTC307). View or download this exhibit at this Internet site http://www.ols.dgs.ca.gov/Standard+Language/default.htm .
e. Exhibit D(F)	Special Terms and Conditions (26 pages)
f. Exhibit E	Additional Provisions (13 pages)
g. Exhibit F	Contractor's Release (1 page)
h. Exhibit G	HIPAA Business Associate Addendum (7 pages)

2. Unanticipated Tasks

In the event unanticipated or additional work must be performed that is not identified in this RFP, but in CDHS' opinion is necessary to successfully accomplish the scope of work, CDHS will initiate a contract amendment to add that work. All terms and conditions appearing in the final contract including the salary/wage rates, unit rates and/or other expenses appearing on the Proposer's Budget Detail Work Sheets will apply to any additional work.

3. Resolution of Language Conflicts (RFP vs. Final Agreement)

If an inconsistency or conflict arises between the terms and conditions appearing in the final agreement and the proposed terms and conditions appearing in this RFP, any inconsistency or conflict will be resolved by giving precedence to the final agreement.